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THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

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AMERICAN EXPRESS FINANCIAL	:	
ADVISORS, INC.,	:	
	:	
Plaintiff,	:	Civil Action No. 04 CV 1401
	:	(LDW) (MLO)
vs.	:	
	:	
FRANK P. MARZANO,	:	<u>ORDER AND JUDGMENT</u>
	:	
Defendant.	:	
-----X	:	

Defendant, Frank P. Marzano, having made (1) a motion to confirm an arbitration award rendered by an arbitration panel of the National Association of Securities Dealers, Inc. ("NASD") in the case of American Express Financial Advisors, Inc. v Frank Marzano, NASD Case number 04-02723, dated November 12, 2004, and (2) a motion to confirm an arbitration award rendered by the same NASD panel dated January 13, 2006, both pursuant to the Federal Arbitration Act, 9 U.S.C. § 8; and Plaintiff American Express Financial Advisors, Inc., now known as Ameriprise Financial Services, Inc., having made motions to vacate both awards pursuant to 9 U.S.C. § 10; and Defendant having made a motion for sanctions pursuant to Fed. R. Civ. P. 11, 28 U.S.C. § 1927, and this Court's inherent powers; and

The Court having considered all papers, pleadings and proceedings herein, and having issued a ruling from the bench on December 19, 2006, (i) granting the Defendant's motions to confirm, (ii) denying Plaintiff's motions to

vacate, (iii) denying the motion for sanctions, and (iv) instructing Defendant to submit an Order and Judgment reflecting such ruling;

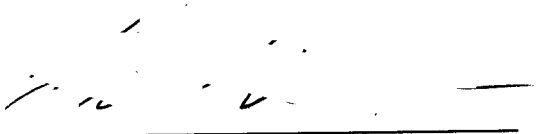
WHEREFORE it is ORDERED AND ADJUDGED as follows:

1. The aforementioned November 12, 2004 arbitration award, as clarified by the NASD Panel's Ruling of December 7, 2004, is hereby confirmed;
2. The aforementioned January 13, 2006 arbitration award is hereby confirmed;
3. Plaintiff's motions to vacate or modify the aforementioned arbitration awards are denied;
4. Defendant's motion for sanctions is denied;
5. Judgment shall be and is entered against American Express Financial Advisors, Inc., now known as Ameriprise Financial Services, Inc., and in favor of Frank P. Marzano as follows:
 - (A) in the principal amount of \$230,000 together with pre-judgment interest at the rate of 9% per year (the New York judgment rate as provided in Rule 10330 (h) of the NASD Code of Arbitration Procedure) from February 12, 2006 through the date this Judgment is entered, in the amount of \$18,544.93 through January 5, 2007, for a total of \$248,544.93 (including pre-judgment interest);

- (B) post-judgment interest shall accrue pursuant to 28 U.S.C. § 1961 from the date of entry of the Judgment until the Judgment is satisfied; and
- (C) American Express Financial Advisors, Inc., now known as Ameriprise Financial Services, Inc., is directed to provide to Mr. Marzano at its expense (i) a list of his clients, including those clients that were first clients of Mr. Marzano prior to his joining American Express Financial Advisors, Inc., clients brought into American Express Financial Advisors, Inc. by Mr. Marzano, and clients inherited or assigned to Mr. Marzano while he was associated with American Express Financial Advisors, Inc., and (ii) a copy of the files maintained by Mr. Marzano for the foregoing clients as they were comprised as of his resignation from American Express Financial Advisors, Inc.

6. Pursuant to Fed. R. Civ. P. 58(a)(2)(B) the Clerk of the Court is directed to enter this Judgment promptly in accordance with the aforesaid.

Dated: CENTRAL ISLIP, NY
1/4/07



Honorable Leonard D. Wexler
United States District Judge